

## **Remarks**

### **Amendments**

#### ***Amendments to the Claims***

### **Rejections**

#### ***Obviousness-type Double Patenting***

#### **Claims 2, 6-9, 26, 32 and 34**

Claims 2, 6-9, 26, 32 and 34 stand rejected as being an obvious variation of claims 1-9 of Akhond, et. al. (U.S. Patent No. 6,173,337). Applicant does not admit that the obviousness-type double patenting rejection is proper. Furthermore, Applicant does not admit that a determination or finding with respect to the validity of the '337 patent would effect the validity of the claims of the present application. Nonetheless, Applicant is submitting a suitable terminal disclaimer for claims 2, 6-9, 26, 32 and 34 herewith and therefore respectfully requests that the statutory double patenting rejection of the claim be withdrawn.

### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 6-10, 14, 20, 22 and 30-34 contain allowable subject matter if rewritten to include all the limitations of the claims from which they each originally depended. Claims 2, 6, 14, 16, 18-22, 26 and 30 have been so amended. Claims 1, 3-5, 11-13, 15, 17, 23-25 and 27-29 have canceled without prejudice. No new matter has been added as a result of these amendments. In view of these amendments, Applicant respectfully submits that claims 2, 6-10, 14, 16, 18-22, 26 and 30-34 are now in condition for allowance, and request allowance of said claims.

## **SUMMARY**

Claims 2, 6-10, 14, 16, 18-22, 26 and 30-34 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending

claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

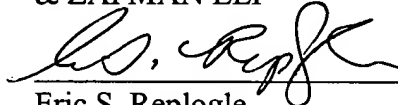
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x258.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP



Eric S. Replogle  
Registration No. 52,161

Dated: August 16, 2004

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300 x258